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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7523 OF 2015

Hirabai Kadu Sonwane
 Age - Major, Occ-Household
 R/o Dongaon, Taluka - Gangapur
 District - Aurangabad

PETITIONER

VERSUS

1. The State of Maharashtra
 Through its Secretary,
 Rural Development Department,
 Mantralaya, Mumbai
2. The State Election Commission,
 Madam Kama Road,
 Fort, Mumbai
3. The Returning Officer for
 Elections to Grampanchayat, Dongaon,
 Taluka - Gangapur
 District - Aurangabad
4. Gram Panchayat, Dongaon,
 Taluka - Gangapur, District - Aurangabad
 Through its Gramsevak,
5. Kamnabai Zendu Bohari,
 Age - Major, Occ - Household
 R/o Dongaon, Taluka - Gangapur
 District - Aurangabad

RESPONDENTS

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Mr. S. S. Thombre, Advocate for the petitioner
 Mr. V. G. Shelke, AGP for respondent State
 Mr. S. T. Shelke, Advocate for respondents No.2 and 3
 Mr. P. B. Shirsath, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 31st JULY, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the appearing parties.

2. The petitioner had objected to the nomination of respondent No.5 on the ground that certificate produced by respondent No.5 in respect of her tribe is bogus and false and it is also apparent from the fact that her real brothers appear to be *Rajput Bhamta* and not *Thakur*, as she is seeking to claim.

3. It appears that the objection of the petitioner has been overruled and the nomination of respondent No.5 has been accepted.

4. According to learned advocate for the petitioner, only one line order validating nomination of respondent No.5 has been passed, without reference to the objection filed on behalf of the petitioner.

5. Allegations have been made about validity of certificate that it is false and bogus, however, at the stage when the returning officer was supposed to decide the nomination, the inquiry being summary, the contentions and the record in

respect of school has not been regarded as sufficient by the returning officer.

6. Learned advocate for the petitioner purports to rely on a communication issued on 24th July, 2015 by Tahsildar, Gangapur about non availability of any record in respect of tribe certificate produced by respondent No.5. He, therefore, contends that there is lot of force in the objection taken by the petitioner to the nomination of respondent No.5.

7. As on the date, certificate issued in favour of respondent No.5, appended to the nomination form, has not been invalidated by any legal process.

8. Last date for scrutiny had been 21st July, 2015 and on said date, communication of 24th July, 2015 had not been before the returning officer. In such a case, no fault can be found with the order passed by the returning officer.

9. The petition involves lot of disputed questions. As such, the writ petition is not being entertained. Writ petition stands dismissed. Rule stands discharged.

10. It is, however, made clear that observations made hereinbefore are for the purpose of dismissal of the writ petition

and confined for said purpose only and shall not influence other proceedings. It would be open for the petitioner to take up appropriate proceedings in respect of acceptance of nomination of respondent No.5, including an election petition.

[SUNIL P. DESHMUKH, J.]

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